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Application No.: 09/888,668
Notice of Appeal and Pre-Appeal Brief Request For Review

PTO/SB/33 (07-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Docket Number (Optional) A1265-US-NP	
Application Number 09/888,668	Filed June 25, 2001
First Named Inventor Meng Yao	
Art Unit: 2624	Examiner Peter K. Huntsinger
Customer Number: 25453	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attach sheet(s).
Note: No more than five (5) pages may be provided.

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12/21/2005
Date

☐ Total of _____ forms are submitted. 305-3568

Arguments to be Considered by Pre-Appeal Brief Conference Panel

Claims 1, 2, and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,597,813 to Stanich et al. ("Stanich"). This rejection under 35 U.S.C. §102(e) over Stanich is respectfully traversed.

Applicant respectfully submits that the Examiner has failed to set out a prima facie case of anticipation of claims 1 and 9 as Stanich fails to teach or suggest each of the elements of Applicant's claims 1 and 9.

Stanich fails to teach the stochastic screen constrained to a checkerboard pattern in the manner set out in claims 1 and 9

Both claims 1 and 9 require, in part, a stochastic screen comprising a set of threshold values, wherein substantially all the threshold values corresponding to gray levels between g_{s1} and g_{s2} coincide with black positions in a constraining checkerboard pattern and substantially all the threshold values corresponding to gray levels between g_{s2} and g_{s3} coincide with white positions in the constraining checkerboard pattern, wherein $g_{s1} > g_{s2} > g_{s3}$. Stanich does not teach or suggest such a stochastic screen.

The Applicant has noted that the above lack of teaching. In response the Examiner simply notes that Stanich teaches a visually pleasing or blue noise screen and that Stanich teaches a checkerboard pattern as one possible periodic pattern. However, the Examiner has not identified any teaching within Stanich for Applicant's claimed stochastic screen. In support the examiner points to the following teaching "the patterns P_l are (possibly periodic) patterns which look pleasant" and that "For example, one of the patterns could be where the black pixels are arranged in a checkerboard pattern." These teachings fail for two reasons: (1) one of skill in the art would not consider a stochastic screen to be a "possibly periodic" pattern and (2) a pattern "where the black pixels are arranged in a checkerboard pattern" cannot be said to teach using a constraining checkboard pattern as claimed for placing thresholds of a stochastic screen.

Even if it could be said, as the examiner alleges, that "black pixels arranged in a checkerboard pattern" teach a subset of a checkerboard pattern (e.g., a black dither of less than 50%), placing pixels on white squares for black dithers of less than 50% as required by claims 1 and 9 (as well as dependent claims 2-4 and 10-15) is inconsistent with a checkerboard pattern and, thus, Stanich teaches away from the claimed invention.

Stanich and Chen fail to teach or suggest the blue noise screen with constraining checker board as in claim 6

Claims 3 - 6, 7, 8, and 10 - 15 under 35 U.S.C. §103(a) as being unpatentable over Stanich in view of U.S. Patent No. 4,668,995 to Chen et al. ("Chen"). This rejection under 35 U.S.C. §102(e) over Stanich is respectfully traversed.

Applicant respectfully submits that the Examiner has failed to set out a prima facie case of obviousness as Stanich and Chen fail to teach or suggest each of the elements of Applicant's claims 3 - 6, 7, 8, and 10 - 15.

Stancih and Chen fail to teach or suggest an "initial screen pattern being designed to provide a visually pleasing, blue noise dot pattern when thresholded and wherein substantially all black pixels in the initial screen pattern correspond to black pixels in a constraining checkerboard pattern" The examiner relies solely on Stanich for such teaching. However as described above, Stanich simply does not suggest such a screen. Again, the examiner simply points to a teaching of a blue noise screen and the use of a checkerboard patter as a possible periodic pattern. However, the examiner has not identified and the cited art combination simply does not teach or suggest visually pleasing, blue noise dot pattern wherein substantially all black pixels in the visually pleasing, blue noise dot pattern correspond to black pixels in a constraining checkerboard pattern.

Stanich and Chen fail to teach or suggest changing the contraining criteria at the gray levels claimed.

The examiner notes that Stanich does not disclose expressly a specific percent black dither that correspond to the first, second or third gray levels of the claims but that it would have been obvious to a person of ordinary skill in the art to assign thresholds between a first gray level, second gray level and third gray level to the values claimed because Chen discloses that such gray levels exist. Chen makes no mention of changing constraining criteria. Chen simply does not teach or suggest changing constraining criteria of any kind at any gray level.

Respectfully submitted,

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